

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GENE MILTON, JR.,

Defendant.

8:23-CR-246**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Government's Motion for Preliminary Order of Forfeiture. [Filing 62](#). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On July 25, 2024 the Court held a change of plea hearing for Defendant and Defendant entered a plea of guilty to Counts I and II and admitted to the Forfeiture Allegation of the Information. Filing 56.
2. Count I of the Information charged the Defendant with a violation of 21 U.S.C. § 841(a)(1) and (b)(1). [Filing 53](#).
3. Count II of the Information charged the Defendant with a violation of 18 U.S.C. § 924(c)(1)(A). [Filing 53](#).
4. The Forfeiture Allegation of the Information sought forfeiture of \$16,416.00 in United States currency as "property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense" and a Radical Firearms RF15 AR-15 style rifle; Glock 23 .40-caliber handgun; Browning .22 caliber semi-automatic handgun; and a FN 5.7 handgun as "firearms and ammunition involved in the commission of the offense." [Filing 53](#).

5. By virtue of said plea of guilty, the Defendant has forfeited his interest in the subject currency and firearms. Accordingly, the United States should be entitled to possession of said currency and firearms pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924.
6. The Government's Motion for Preliminary Order of Forfeiture, [Filing 62](#), should be granted.

IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture, [Filing 62](#), is granted.
2. Based upon the Forfeiture Allegation of the Information and the plea of guilty, the Government is hereby authorized to seize the \$16,416.00 in United States currency, the Radical Firearms RF15 AR-15 style rifle, Glock 23 .40-caliber handgun, Browning .22 caliber semi-automatic handgun, and FN 5.7 handgun.
3. Defendant's interest in the \$16,416.00 in United States currency, the Radical Firearms RF15 AR-15 style rifle, Glock 23 .40-caliber handgun, Browning .22 caliber semi-automatic handgun, and FN 5.7 handgun, is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$16,416.00 in United States currency, the Radical Firearms RF15 AR-15 style rifle, Glock 23 .40-caliber handgun, Browning .22 caliber semi-automatic handgun, and FN 5.7 handgun, is to be held by the Government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the Government's intent to dispose of the subject property in

such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$16,416.00 in United States currency, the Radical Firearms RF15 AR-15 style rifle, Glock 23 .40-caliber handgun, Browning .22 caliber semi-automatic handgun, and FN 5.7 handgun, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$16,416.00 in United States currency, the Radical Firearms RF15 AR-15 style rifle, Glock 23 .40-caliber handgun, Browning .22 caliber semi-automatic handgun, and FN 5.7 handgun, and any additional facts supporting the Petitioner's claim and the relief sought.
7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$16,416.00 in United States currency, the Radical Firearms RF15 AR-15 style rifle, Glock 23 .40-caliber handgun, Browning .22 caliber semi-automatic handgun, and FN 5.7 handgun, as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 19th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Brush", is written over a horizontal line. The signature is fluid and cursive, with "B.C." on top and "Brush" on the bottom.

Brian C. Buescher
United States District Judge